

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 27, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 09od-015

OAHU

Consent to Assign Non-Exclusive Easement No. S-5339, Sunset View Properties, LLC, Assignor, to Kenneth V. Krebs, Assignee, Pupukea-Paumalau Beach Lots, Koolauloa, Oahu, Tax Map Key: (1) 5-9-020:seaward of 050.

APPLICANT:

Sunset View Properties, as Assignor, to Kenneth V. Krebs, married, whose mailing address is 59-219 Ke Nui Road, Haleiwa, Hawaii 96712, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Pupukea-Paumalu situated at Pupukea-Paumalu Beach Lots, Koolauloa, Oahu, identified by Tax Map Key: (1) 5-9-020:seaward of 050, as shown on the attached map labeled Exhibit A.

AREA:

3,902 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ____ NO

X

CHARACTER OF USE:

Revetment purposes.

TERM OF LEASE:

65 years, commencing on October 16, 1992 and expiring on October 15, 2057.

RENTAL:

\$23,412, one-time payment paid. No rental reopening.

CONSIDERATION:

\$ 10.00.

RECOMMENDED PREMIUM:

Not applicable as the easement does not allow for a premium.

DCCA VERIFICATION:

Not applicable.

REMARKS:

The subject revetment easement was initiated pursuant to the Consent Decree and Order in Paumalu Beach Homeowner's Association, et al. v. William Paty, in his official capacity, et al. of October 16, 1992. By subsequent assignment, the most recent grantee was Sunset View Properties, LLC.

Assignee purchased the private property abutting the subject revetment in 2005, and the purchase was recorded at the Bureau of Conveyances by document no. 2005-114666. The subject revetment easement is included in the exhibit of the deed that transferred the private property.

Upon approval, Assignee is required to provide us with the liability insurance policy.

Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Staff did not solicit comments from other governmental agencies since the request is basically for housekeeping purposes.


There are no other pertinent issues or concerns. Staff has no objections to the request.

RECOMMENDATION:

That the Board consent to the assignment of non-exclusive easement No. S-5339 from Sunset View Properties, LLC, as Assignor, to Kenneth V. Krebs, as Assignee, subject to the following:


1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.


Respectfully Submitted,

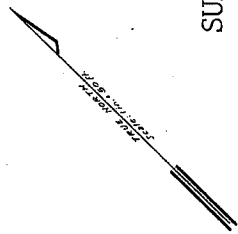


Timothy Chee
Land Agent

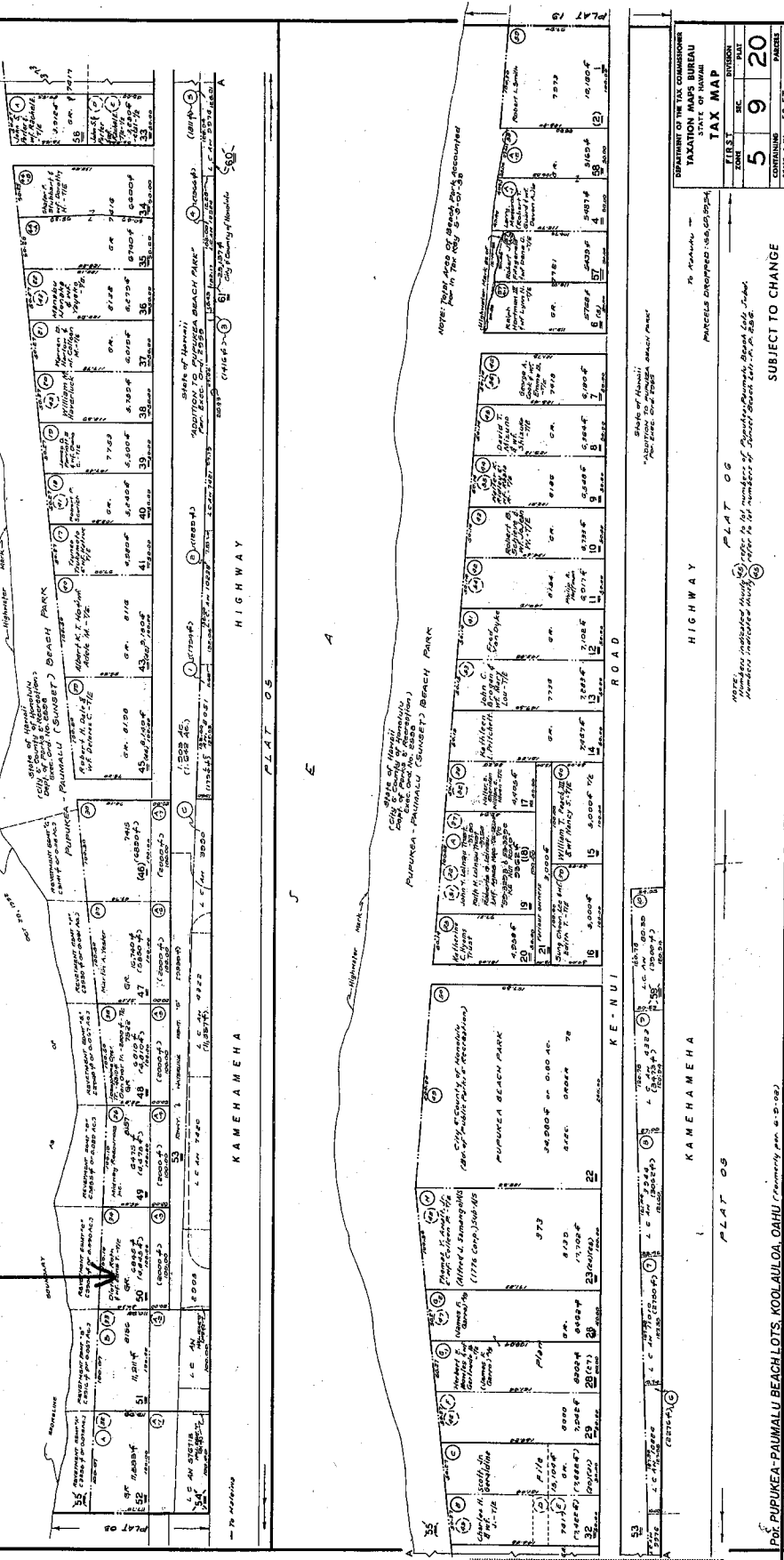
APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 



SUBJECT



DEPARTMENT OF THE TAX COMMISSIONERS	
TAXATION MAPS BUREAU	
TAX MAP	
ZONE	SECTION
5	9
20	
CONTAINING	
PARCELS	

FOR PUHIKEA-PAUMALU BEACH LOTS, KOOLAUA, OAHU (Continued from p. 4-2-1042)

EXHIBIT "A"